

Amendment under 37 C.F.R. §1.111  
Serial No. 10/050,169  
Attorney Docket No. 970607B

### **REMARKS**

Claim 1 – 108 are pending. The claims have been amended hereby.

Claims 1 – 3, 8-10, 12, 13, 17, 24 - 26, 31 - 33, 38 - 40, 50 - 52, 56 - 60, 64, 65 and 72 were rejected under 35 U.S.C. §103(a) has been unpatentable over **Auer et al.** and **Chung**. Favorable reconsideration of this rejection is requested in view of the amendments made herein.

The claims have been amended to clarify there is no other contact hole or plug reaching the extension other than the contact hole or plug which reaches the extension. It is believed that this amendment clarifies the distinction between the extension of the present invention and the interconnect of **Chung**.

The claims have further been amended to clarify that the contact hole penetrates through the extension such that it goes beyond the lower surface of the extension.

As in the prior Office Action, **Auer et al.** was applied as the primary reference, with the Examiner acknowledging that **Auer et al.** did not show a contact hole penetrating an extension of an opposing electrode. **Chung** is applied in the present Office Action for allegedly making such a modification of **Auer et al.** obvious. However, as noted above, the claims have been amended to clearly distinguish the claimed extension from the interconnect of **Chung**.

More specifically, **Chung** teaches a contact hole 220 penetrating an interconnect 211. The interconnect 211, however, is not an extension as set forth in the presently amended claims. The term “interconnect” means a wiring for connecting at least two members. The horizontal interconnect 211 of **Chung** is connected to three vertical interconnects (conductive plugs) 210, 220 and 222 at both ends and at a center, which is clearly different from the extension set forth in the presently amended claims.

Accordingly, the combination of references does not teach or suggest the presently amended claims.

Claims 4 – 7, 11, 14 – 16, 18 – 23, 27 - 30, 34 - 37, 41 - 49, 53 - 55, 61 - 63, 66 - 71 and 73 - 108 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Auer et al.** and **Chung** further in view **Ozaki et al.** Favorable reconsideration of this rejection is requested for the same reasons discussed above. That is, **Ozaki et al.** fails to provide the teachings which **Auer et al.** and **Chung** lack.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

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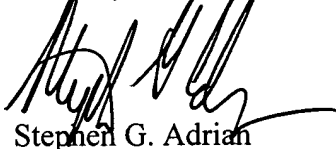
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Stephen G. Adrian  
Attorney for Applicants  
Registration No. 32,878

1250 Connecticut Avenue, NW  
Suite 700  
Washington, DC 20036  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111  
SGA/jnj  
Attachment: Petition for Extension of Time